

Senate Amendment 3358

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1 1 Amend the amendment, S=3328, to Senate File 478, as
1 2 follows:
1 3 #1. Page 30, by inserting after line 18 the
1 4 following:
1 5 <Sec. _____. Section 86.13, Code 2009, is amended to
1 6 read as follows:
1 7 86.13 COMPENSATION PAYMENTS.
1 8 1. If an employer or insurance carrier pays weekly
1 9 compensation benefits to an employee, the employer or
1 10 insurance carrier shall file with the workers'
1 11 compensation commissioner in the form and manner
1 12 required by the workers' compensation commissioner a
1 13 notice of the commencement of the payments. The
1 14 payments establish conclusively that the employer and
1 15 insurance carrier have notice of the injury for which
1 16 benefits are claimed but the payments do not
1 17 constitute an admission of liability under this
1 18 chapter or chapter 85, 85A, or 85B.
1 19 2. If an employer or insurance carrier fails to
1 20 file the notice required by this section, the failure
1 21 stops the running of the time periods in section 85.26
1 22 as of the date of the first payment. If commenced,
1 23 the payments shall be terminated only when the
1 24 employee has returned to work, or upon thirty days'
1 25 notice stating the reason for the termination and
1 26 advising the employee of the right to file a claim
1 27 with the workers' compensation commissioner.
1 28 3. This section does not prevent the parties from
1 29 reaching an agreement for settlement regarding
1 30 compensation. However, the agreement is valid only if
1 31 signed by all parties and approved by the workers'
1 32 compensation commissioner.
1 33 4. a. ~~If a denial, a delay in commencement~~
1 34 ~~payment, or a termination of benefits occurs without~~
1 35 ~~reasonable or probable cause or excuse known to the~~
1 36 ~~employer or insurance carrier at the time of the~~
1 37 ~~denial, delay in payment, or termination of benefits,~~
1 38 the workers' compensation commissioner shall award
1 39 benefits in addition to those benefits payable under
1 40 this chapter, or chapter 85, 85A, or 85B, up to fifty
1 41 percent of the amount of benefits that were
1 42 ~~unreasonably denied, delayed, or denied terminated~~
1 43 ~~without reasonable or probable cause or excuse.~~
1 44 b. ~~The workers' compensation commissioner shall~~
1 45 ~~award benefits under this subsection if the~~
1 46 ~~commissioner finds both of the following facts:~~
1 47 (1) ~~The employee has demonstrated a denial, delay~~
1 48 ~~in payment, or termination of benefits.~~
1 49 (2) ~~The employer has failed to prove a reasonable~~
1 50 ~~or probable cause or excuse for the denial, delay in~~
2 1 ~~payment, or termination of benefits.~~
2 2 c. ~~In order to be considered a reasonable or~~
2 3 ~~probable cause or excuse under paragraph "b", an~~
2 4 ~~excuse shall satisfy all of the following criteria:~~
2 5 (1) ~~The excuse was preceded by a reasonable~~
2 6 ~~investigation and evaluation by the employer or~~
2 7 ~~insurance carrier into whether benefits were owed to~~
2 8 ~~the employee.~~
2 9 (2) ~~The results of the reasonable investigation~~
2 10 ~~and evaluation were the actual basis upon which the~~
2 11 ~~employer or insurance carrier contemporaneously relied~~
2 12 ~~to deny, delay payment of, or terminate benefits.~~
2 13 (3) ~~The employer or insurance carrier~~
2 14 ~~contemporaneously conveyed the basis for the denial,~~
2 15 ~~delay in payment, or termination of benefits to the~~
2 16 ~~employee at the time of the denial, delay, or~~
2 17 ~~termination of benefits.>~~
2 18 #2. By renumbering as necessary.
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2 22 THOMAS G. COURTNEY
2 23 SF 478.745 83
2 24 tm/jp/24632

